

EXHIBIT B

do Amaral, Paulina

From: do Amaral, Paulina
Sent: Wednesday, October 21, 2020 11:41 PM
To: Metz, Carl
Cc: Arbitblit, Donald C.; Geist, Melissa A.; ZZ-Hester, Timothy
Subject: Re: Opioids - WV CT2 - Keyes Daubert Motion

Agreed.

Sent from my iPhone

On Oct 21, 2020, at 10:08 PM, Metz, Carl <CMetz@wc.com> wrote:

7 days for the reply is fine, as is 10/30 as the date for the event.

Let's split the difference at 3 hours with the same agreement on disruptions, and we'll make every effort to be efficient and take no more time than is necessary.

Carl

From: do Amaral, Paulina <Pdoamaral@lchb.com>
Sent: Wednesday, October 21, 2020 6:55 PM
To: Metz, Carl <CMetz@wc.com>
Cc: Arbitblit, Donald C. <darbitblit@lchb.com>
Subject: RE: Opioids - WV CT2 - Keyes Daubert Motion

Carl,

Thanks for your response. We of course disagree that the objections arising from Judge Wilkes ruling regarding duplicative questioning impeded Dr. Keyes first deposition. However, if the defense agrees to a two hour time limit on this supplemental deposition, we would agree to the scope limitation articulated below and would be able to agree not to assert objections regarding duplicative questions in this context.

With regard to the briefing, do you agree that your reply brief will be due 7 days after plaintiffs' opposition is filed as is currently the case?

And finally, with regard to the date of the deposition, October 30, 2020 is preferable for us. Thanks.

We look forward to hearing from you.

Paulina

<image001.gif>

Paulina do Amaral
Partner
pdoamaral@lchb.com
t 212.355.9500

f 212.355.9592

Lieff Cabraser Heimann & Bernstein, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
www.lieffcabraser.com

From: Metz, Carl [<mailto:CMetz@wc.com>]
Sent: Wednesday, October 21, 2020 4:46 PM
To: do Amaral, Paulina
Subject: RE: Opioids - WV CT2 - Keyes Daubert Motion

Paulina, Defendants have discussed your proposal and make the following counter-proposal. We will depose Dr. Keyes on 10/28 or 10/30 (we will confirm the date shortly), for a total of four hours on the record. The permissible subjects of the deposition will include:

- 1) Keyes' Second Errata
- 2) Keyes' "Fentanyl sensitivity analysis" Excel workbook that was produced after her first deposition, including follow-up questioning on Keyes' earlier testimony about those analyses.
- 3) Necessarily included within 1 & 2 is the ability to ask questions about the differences between those files and calculations and the calculations disclosed with (i) her Report on August 3, (ii) the file "Keyes, Katherine_MDL CT2 input calculations.xlsx" produced on August 13, and (iii) Keyes' August 24 first Errata; as well as the effect her changed calculations have on her opinions as a whole.

Finally, a significant issue for Defendants in considering Plaintiffs' offer was our belief that the first deposition was unfairly impeded by objections that questioning was duplicative and wasteful, followed by instructions not to answer. While we do not intend to revisit the subjects that prompted those objections, we also cannot agree to a deposition that will have the same interruptions based on overlap with Keyes' first deposition. We anticipate that to lay an appropriate foundation for some questions, we will necessarily have to refer to matters that were the subject of at least some questioning during the first deposition. We therefore require your commitment that if you object to a question as unreasonably duplicative, that objection will be preserved for the record but the witness will be allowed to answer without further interruption and that any remedies you might seek will be sought after the deposition has concluded.

Carl

From: do Amaral, Paulina <Pdoamaral@lchb.com>
Sent: Tuesday, October 20, 2020 9:49 AM
To: Metz, Carl <CMetz@wc.com>
Subject: RE: Opioids - WV CT2 - Keyes Daubert Motion

Carl,

It was a pleasure speaking with you this morning regarding our offer of a supplemental deposition of Dr. Keyes regarding her Errata 2. One item I neglected to address is that the deposition, which we propose be no longer than 1 hour, would be remote as was her original deposition. As I mentioned, Dr. Keyes is available next week, though not on Thursday, October 29, 2020, and we would anticipate submitting the

opposition on your *Daubert* motion within 7 days of receiving the transcript of her supplemental deposition. Thanks.

Paulina

<image001.gif>

Paulina do Amaral
Partner
pdoamaral@lchb.com
t 212.355.9500
f 212.355.9592

Lieff Cabraser Heimann & Bernstein, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
www.lieffcabraser.com

From: Metz, Carl [<mailto:CMetz@wc.com>]
Sent: Tuesday, October 20, 2020 8:52 AM
To: do Amaral, Paulina
Subject: RE: Opioids - WV CT2 - Keyes Daubert Motion

I am at least one such person. I could speak at 9:30 if that works.

From: do Amaral, Paulina <pdoamaral@lchb.com>
Sent: Tuesday, October 20, 2020 8:35 AM
To: Metz, Carl <CMetz@wc.com>
Subject: Opioids - WV CT2 - Keyes Daubert Motion

Good Morning Carl,

I've been trying to identify the correct attorney to speak with regarding the Keyes *Daubert* motion. Would that be you? I left you voicemail yesterday. Are you able to speak this morning?

I can be reached at 917-655-2430.

Thanks.

Paulina

<image001.gif>

Paulina do Amaral
Partner
pdoamaral@lchb.com
t 212.355.9500
f 212.355.9592

Lieff Cabraser Heimann & Bernstein, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
www.lieffcabraser.com

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